

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

05-CR-6053L

v.

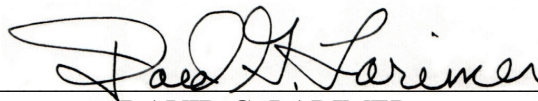
CHARLES SAWYER,

Defendant.

I previously referred all pretrial matters to United States Magistrate Judge Marian W. Payson, pursuant to 28 U.S.C. § 636(b). In his omnibus motions, the defendant filed several motions to dismiss the indictment relating to alleged grand jury improprieties and insufficiency of the evidence. Magistrate Judge Payson heard argument on the motions and issued an oral Report and Recommendation on October 3, 2005, recommending that the motions to dismiss be denied. Magistrate Judge Payson memorialized that in an order dated and filed the same day, October 3, 2005. No objections have been filed to Magistrate Judge Payson's Report and Recommendation.

I have reviewed the motions and other proceedings, and I agree with Magistrate Judge Payson that there is no basis to dismiss the indictment. Therefore, I accept Magistrate Judge Payson's Report and Recommendation and deny defendant's motions to dismiss (Dkt. #27).

IT IS SO ORDERED.



DAVID G. LARIMER

United States District Judge

Dated: Rochester, New York
November 14, 2005.

